

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Business & Professional
2 Regulation Subcommittee
3 Representative Davis offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:
Section 1. Section 162.12, Florida Statutes, is amended to
read:

162.12 Notices.—

(1) All notices required by this part must be provided to
the alleged violator by:

(a) Certified mail, return receipt requested, to the
address listed in the tax collector's office for tax notices, or
to the address listed in the county property appraiser's
database. The local government may also provide an additional
notice to any other address it may find for ~~provided by~~ the
property owner ~~in writing to the local government for the~~
~~purpose of receiving notices.~~ For property owned by a
corporation, notices may be provided by certified mail to the

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20 registered agent of the corporation. If any notice sent by
21 certified mail is not signed as received within 30 days after
22 the postmarked date of mailing, notice may be provided by
23 posting as described in subparagraphs (2)(b)1. and 2.;

24 (b) Hand delivery by the sheriff or other law enforcement
25 officer, code inspector, or other person designated by the local
26 governing body;

27 (c) Leaving the notice at the violator's usual place of
28 residence with any person residing therein who is above 15 years
29 of age and informing such person of the contents of the notice;
30 or

31 (d) In the case of commercial premises, leaving the notice
32 with the manager or other person in charge.

33 (2) In addition to providing notice as set forth in
34 subsection (1), at the option of the code enforcement board or
35 the local government, notice may ~~also~~ be served by publication
36 or posting, as follows:

37 (a)1. Such notice shall be published once during each week
38 for 4 consecutive weeks (four publications being sufficient) in
39 a newspaper of general circulation in the county where the code
40 enforcement board is located. The newspaper shall meet such
41 requirements as are prescribed under chapter 50 for legal and
42 official advertisements.

43 2. Proof of publication shall be made as provided in ss.
44 50.041 and 50.051.

45 (b)1. In lieu of publication as described in paragraph
46 (a), such notice may be posted at least 10 days prior to the
47 hearing, or prior to the expiration of any deadline contained in

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48 the notice, in at least two locations, one of which shall be the
49 property upon which the violation is alleged to exist and the
50 other of which shall be, in the case of municipalities, at the
51 primary municipal government office, and in the case of
52 counties, at the front door of the courthouse or the main county
53 governmental center in said county.

54 2. Proof of posting shall be by affidavit of the person
55 posting the notice, which affidavit shall include a copy of the
56 notice posted and the date and places of its posting.

57 (c) Notice by publication or posting may run concurrently
58 with, or may follow, an attempt or attempts to provide notice by
59 hand delivery or by mail as required under subsection (1).

60
61 Evidence that an attempt has been made to hand deliver or mail
62 notice as provided in subsection (1), together with proof of
63 publication or posting as provided in subsection (2), shall be
64 sufficient to show that the notice requirements of this part
65 have been met, without regard to whether or not the alleged
66 violator actually received such notice.

67 Section 2. Paragraph (aa) of subsection (4) of section
68 381.0065, Florida Statutes, is amended to read:

69 381.0065 Onsite sewage treatment and disposal systems;
70 regulation.—

71 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
72 not construct, repair, modify, abandon, or operate an onsite
73 sewage treatment and disposal system without first obtaining a
74 permit approved by the department. The department may issue
75 permits to carry out this section, but shall not make the

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76 issuance of such permits contingent upon prior approval by the
77 Department of Environmental Protection, except that the issuance
78 of a permit for work seaward of the coastal construction control
79 line established under s. 161.053 shall be contingent upon
80 receipt of any required coastal construction control line permit
81 from the Department of Environmental Protection. A construction
82 permit is valid for 18 months from the issuance date and may be
83 extended by the department for one 90-day period under rules
84 adopted by the department. A repair permit is valid for 90 days
85 from the date of issuance. An operating permit must be obtained
86 prior to the use of any aerobic treatment unit or if the
87 establishment generates commercial waste. Buildings or
88 establishments that use an aerobic treatment unit or generate
89 commercial waste shall be inspected by the department at least
90 annually to assure compliance with the terms of the operating
91 permit. The operating permit for a commercial wastewater system
92 is valid for 1 year from the date of issuance and must be
93 renewed annually. The operating permit for an aerobic treatment
94 unit is valid for 2 years from the date of issuance and must be
95 renewed every 2 years. If all information pertaining to the
96 siting, location, and installation conditions or repair of an
97 onsite sewage treatment and disposal system remains the same, a
98 construction or repair permit for the onsite sewage treatment
99 and disposal system may be transferred to another person, if the
100 transferee files, within 60 days after the transfer of
101 ownership, an amended application providing all corrected
102 information and proof of ownership of the property. There is no
103 fee associated with the processing of this supplemental

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104 information. A person may not contract to construct, modify,
105 alter, repair, service, abandon, or maintain any portion of an
106 onsite sewage treatment and disposal system without being
107 registered under part III of chapter 489. A property owner who
108 personally performs construction, maintenance, or repairs to a
109 system serving his or her own owner-occupied single-family
110 residence is exempt from registration requirements for
111 performing such construction, maintenance, or repairs on that
112 residence, but is subject to all permitting requirements. A
113 municipality or political subdivision of the state may not issue
114 a building or plumbing permit for any building that requires the
115 use of an onsite sewage treatment and disposal system unless the
116 owner or builder has received a construction permit for such
117 system from the department. A building or structure may not be
118 occupied and a municipality, political subdivision, or any state
119 or federal agency may not authorize occupancy until the
120 department approves the final installation of the onsite sewage
121 treatment and disposal system. A municipality or political
122 subdivision of the state may not approve any change in occupancy
123 or tenancy of a building that uses an onsite sewage treatment
124 and disposal system until the department has reviewed the use of
125 the system with the proposed change, approved the change, and
126 amended the operating permit.

127 (aa) An existing-system inspection or evaluation, a
128 modification, replacement, or upgrade of an onsite sewage
129 treatment and disposal system, or a pump-out of an existing tank
130 is not required for a remodeling addition or modification to a
131 single-family home if a bedroom is not added. However, a

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132 remodeling addition or modification may not cover any part of
133 the system or encroach upon a required setback or the
134 unobstructed area. The local health department may review a
135 floor plan and site plan that show the distance of the
136 remodeling addition or modification from the system to determine
137 if a setback or unobstructed area is impacted. The review shall
138 be completed within 5 business days after receipt of an adequate
139 floor plan and site plan.

140 Section 3. Subsection (23) is added to section 489.103,
141 Florida Statutes, to read:

142 489.103 Exemptions.—This part does not apply to:

143 (23) A person acting voluntarily or out of charity and not
144 for personal monetary or other personal gain may assist a
145 property owner of a single family residential building and
146 appurtenances in making improvements to the owner's property.
147 This subsection does not exempt a person who is employed by or
148 has a contract with the property owner and who acts in the
149 capacity of a contractor. This subsection does not exempt a
150 person who advertises that he or she is a contractor or
151 otherwise represents that he or she is qualified to engage in
152 contracting. The property owner, must be present on the job site
153 and actively engaging and participating in the supervision of
154 work performed by a person acting as a volunteer or acting out
155 of charity and the work is not performed by a licensed
156 contractor.

157 Section 4. Subsection (3) of section 489.105, Florida
158 Statutes, is amended to read:

159 489.105 Definitions.—As used in this part:

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160 (3) "Contractor" means the person who is qualified for,
161 and is only responsible for, the project contracted for and
162 means, except as exempted in this part, the person who, for
163 compensation, undertakes to, submits a bid to, or does himself
164 or herself or by others construct, repair, alter, remodel, add
165 to, demolish, subtract from, or improve any building or
166 structure, including related improvements to real estate, for
167 others or for resale to others; and whose job scope is
168 substantially similar to the job scope described in one of the
169 paragraphs of this subsection. For the purposes of regulation
170 under this part, the term "demolish" applies only to demolition
171 of steel tanks more than 50 feet in height; towers more than 50
172 feet in height; other structures more than 50 feet in height,
173 other than; and all buildings or residences more than three
174 stories tall; and buildings or residences over three stories
175 tall. Contractors are subdivided into two divisions, Division I,
176 consisting of those contractors defined in paragraphs (a)-(c),
177 and Division II, consisting of those contractors defined in
178 paragraphs (d)-(q):

179 (m) "Plumbing contractor" means a contractor whose
180 services are unlimited in the plumbing trade and includes
181 contracting business consisting of the execution of contracts
182 requiring the experience, financial means, knowledge, and skill
183 to install, maintain, repair, alter, extend, or, if not
184 prohibited by law, design plumbing. A plumbing contractor may
185 install, maintain, repair, alter, extend, or, if not prohibited
186 by law, design the following without obtaining an additional
187 local regulatory license, certificate, or registration: sanitary

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188 drainage or storm drainage facilities, water and sewer plants
189 and substations, venting systems, public or private water supply
190 systems, septic tanks, drainage and supply wells, swimming pool
191 piping, irrigation systems, and solar heating water systems and
192 all appurtenances, apparatus, or equipment used in connection
193 therewith, including boilers and pressure process piping and
194 including the installation of water, natural gas, liquefied
195 petroleum gas and related venting, and storm and sanitary sewer
196 lines. The scope of work of the plumbing contractor also
197 includes the design, if not prohibited by law, and installation,
198 maintenance, repair, alteration, or extension of air-piping,
199 vacuum line piping, oxygen line piping, nitrous oxide piping,
200 and all related medical gas systems; fire line standpipes and
201 fire sprinklers if authorized by law; ink and chemical lines;
202 fuel oil and gasoline piping and tank and pump installation,
203 except bulk storage plants; and pneumatic control piping
204 systems, all in a manner that complies with all plans,
205 specifications, codes, laws, and regulations applicable. The
206 scope of work of the plumbing contractor applies to private
207 property and public property, including any excavation work
208 incidental thereto, and includes the work of the specialty
209 plumbing contractor. Such contractor shall subcontract, with a
210 qualified contractor in the field concerned, all other work
211 incidental to the work but which is specified as being the work
212 of a trade other than that of a plumbing contractor. This
213 definition does not limit the scope of work of any specialty
214 contractor certified pursuant to s. 489.113(6), and does not
215 require certification or registration under this part of a

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216 person licensed under chapter 527 or any authorized employee of
217 a public natural gas utility or of a private natural gas utility
218 regulated by the Public Service Commission when disconnecting
219 and reconnecting water lines in the servicing or replacement of
220 an existing water heater. A plumbing contractor may perform
221 drain cleaning and clearing and install or repair rainwater
222 catchment systems; however, a mandatory licensing requirement is
223 not established for the performance of these specific services.

224 Section 5. Paragraphs (c) and (f) of subsection (5) and
225 subsection (6) of section 489.127, Florida Statutes, are amended
226 to read:

227 489.127 Prohibitions; penalties.—

228 (5) Each county or municipality may, at its option,
229 designate one or more of its code enforcement officers, as
230 defined in chapter 162, to enforce, as set out in this
231 subsection, the provisions of subsection (1) and s. 489.132(1)
232 against persons who engage in activity for which a county or
233 municipal certificate of competency or license or state
234 certification or registration is required.

235 (c) The local governing body of the county or municipality
236 may ~~is authorized to~~ enforce codes and ordinances against
237 unlicensed contractors under the provisions of this subsection
238 and may enact an ordinance establishing procedures for
239 implementing this subsection, including a schedule of penalties
240 to be assessed by the code enforcement officer. The maximum
241 civil penalty which may be levied may ~~shall~~ not exceed \$2,000
242 ~~\$500~~. Moneys collected pursuant to this subsection shall be
243 retained locally, as provided for by local ordinance, and may be

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244 set aside in a specific fund to support future enforcement
245 activities against unlicensed contractors.

246 (f) If the enforcement or licensing board or designated
247 special magistrate finds that a violation exists, the
248 enforcement or licensing board or designated special magistrate
249 may order the violator to pay a civil penalty of not less than
250 the amount set forth on the citation but not more than \$1,500
251 ~~\$1,000~~ per day for each violation. In determining the amount of
252 the penalty, the enforcement or licensing board or designated
253 special magistrate shall consider the following factors:

254 1. The gravity of the violation.

255 2. Any actions taken by the violator to correct the
256 violation.

257 3. Any previous violations committed by the violator.

258 (6) Local building departments may collect outstanding
259 fines against registered or certified contractors issued by the
260 Construction Industry Licensing Board and may retain 75 ~~25~~
261 percent of the fines they are able to collect, provided that
262 they transmit 25 ~~75~~ percent of the fines they are able to
263 collect to the department according to a procedure to be
264 determined by the department.

265 Section 6. Paragraph (a) of subsection (7) of section
266 489.131, Florida Statutes, is amended to read:

267 489.131 Applicability.—

268 (7) (a) It is the policy of the state that the purpose of
269 regulation is to protect the public by attaining compliance with
270 the policies established in law. Fines and other penalties are
271 provided in order to ensure compliance; ~~however, the collection~~

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272 ~~of fines and the imposition of penalties are intended to be~~
273 ~~secondary to the primary goal of attaining compliance with state~~
274 ~~laws and local jurisdiction ordinances. It is the intent of the~~
275 ~~Legislature that a local jurisdiction agency charged with~~
276 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
277 ~~as its first response to a minor violation of a regulatory law~~
278 ~~in any instance in which it is reasonable to assume that the~~
279 ~~violator was unaware of such a law or unclear as to how to~~
280 ~~comply with it. A violation of a regulatory law is a "minor~~
281 ~~violation" if it does not result in economic or physical harm to~~
282 ~~a person or adversely affect the public health, safety, or~~
283 ~~welfare or create a significant threat of such harm. A "notice~~
284 ~~of noncompliance" is a notification by the local jurisdiction~~
285 ~~agency charged with enforcing the ordinance, which is issued to~~
286 ~~the licensee that is subject to the ordinance. A notice of~~
287 ~~noncompliance should not be accompanied with a fine or other~~
288 ~~disciplinary penalty. It should identify the specific ordinance~~
289 ~~that is being violated, provide information on how to comply~~
290 ~~with the ordinance, and specify a reasonable time for the~~
291 ~~violator to comply with the ordinance. Failure of a licensee to~~
292 ~~take action correcting the violation within a set period of time~~
293 ~~would then result in the institution of further disciplinary~~
294 ~~proceedings.~~

295 Section 7. Section 489.514, Florida Statutes, is amended
296 to read:

297 489.514 Certification for registered contractors;
298 grandfathering provisions.—

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299 (1) The board shall, upon receipt of a completed
300 application, appropriate fee, and proof of compliance with the
301 provisions of this section, issue:

302 (a) To an applying registered electrical contractor, a
303 certificate as an electrical contractor, as defined in s.
304 489.505(12); ~~or~~

305 (b) To an applying registered alarm system contractor, a
306 certificate in the matching alarm system contractor category, as
307 defined in s. 489.505(2) (a) or (b); or

308 (c) To an applying registered electrical specialty
309 contractor, a certificate in the matching electrical specialty
310 contractor category, as defined in s. 489.505(19).

311 (2) Any contractor registered under this part who makes
312 application under this section to the board shall meet each of
313 the following requirements for certification:

314 (a) Currently holds a valid registered local license in
315 the category of electrical contractor, alarm system contractor,
316 or electrical specialty contractor.

317 (b) Has, for that category, passed a written, proctored
318 examination that the board finds to be substantially similar to
319 the examination required to be licensed as a certified
320 contractor under this part. For purposes of this subsection, a
321 written, proctored examination such as that produced by the
322 National Assessment Institute, Block and Associates, NAI/Block,
323 Experior Assessments, Professional Testing, Inc., or Assessment
324 Systems, Inc., shall be considered to be substantially similar
325 to the examination required to be licensed as a certified

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326 contractor. The board may not impose or make any requirements
327 regarding the nature or content of these cited examinations.

328 (c) Has at least 5 years of experience as a contractor in
329 that contracting category, or as an inspector or building
330 administrator with oversight over that category, at the time of
331 application. For contractors, only time periods in which the
332 contractor license is active and the contractor is not on
333 probation ~~shall~~ count toward the 5 years required under this
334 subsection.

335 (d) Has not had his or her contractor's license revoked at
336 any time, had his or her contractor's license suspended in the
337 last 5 years, or been assessed a fine in excess of \$500 in the
338 last 5 years.

339 (e) Is in compliance with the insurance and financial
340 responsibility requirements in s. 489.515(1)(b).

341 (3) An applicant must make application by November 1, 2015
342 ~~2004~~, to be licensed pursuant to this section.

343 Section 8. Paragraph (c) of subsection (4) of section
344 489.531, Florida Statutes, is amended to read:

345 489.531 Prohibitions; penalties.—

346 (4) Each county or municipality may, at its option,
347 designate one or more of its code enforcement officers, as
348 defined in chapter 162, to enforce, as set out in this
349 subsection, the provisions of subsection (1) against persons who
350 engage in activity for which county or municipal certification
351 is required.

352 (c) The local governing body of the county or municipality
353 may ~~is authorized to~~ enforce codes and ordinances against

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354 unlicensed contractors under the provisions of this section and
355 may enact an ordinance establishing procedures for implementing
356 this section, including a schedule of penalties to be assessed
357 by the code enforcement officers. The maximum civil penalty
358 which may be levied may shall not exceed \$2,000 \$500. Moneys
359 collected pursuant to this section shall be retained locally as
360 provided for by local ordinance and may be set aside in a
361 specific fund to support future enforcement activities against
362 unlicensed contractors.

363 Section 9. Subsection (17) of section 553.73, Florida
364 Statutes, is amended to read:

365 553.73 Florida Building Code.—

366 (17) A provision ~~The provisions of section R313 of the~~
367 ~~most current version~~ of the International Residential Code
368 relating to mandated fire sprinklers may not be incorporated
369 into the Florida Building Code as adopted by the Florida
370 Building Commission and may not be adopted as a local amendment
371 to the Florida Building Code. This subsection does not prohibit
372 the application of cost-saving incentives for residential fire
373 sprinklers that are authorized in the International Residential
374 Code upon a mutual agreement between the builder and the code
375 official. This subsection does not apply to a local government
376 that has a lawfully adopted ordinance relating to fire
377 sprinklers which has been in effect since January 1, 2010.

378 Section 10. Subsection (1) of section 553.74, Florida
379 Statutes, is amended to read:

380 553.74 Florida Building Commission.—

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381 (1) The Florida Building Commission is created and located
382 within the Department of Business and Professional Regulation
383 for administrative purposes. Members are ~~shall be~~ appointed by
384 the Governor subject to confirmation by the Senate. The
385 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
386 the following:

387 (a) One architect registered to practice in this state and
388 actively engaged in the profession. The American Institute of
389 Architects, Florida Section, is encouraged to recommend a list
390 of candidates for consideration.

391 (b) One structural engineer registered to practice in this
392 state and actively engaged in the profession. The Florida
393 Engineering Society is encouraged to recommend a list of
394 candidates for consideration.

395 (c) One air-conditioning or mechanical contractor
396 certified to do business in this state and actively engaged in
397 the profession. The Florida Air Conditioning Contractors
398 Association, the Florida Refrigeration and Air Conditioning
399 Contractors Association, and the Mechanical Contractors
400 Association of Florida are encouraged to recommend a list of
401 candidates for consideration.

402 (d) One electrical contractor certified to do business in
403 this state and actively engaged in the profession. The Florida
404 Electrical Contractors Association and the National Electrical
405 Contractors Association, Florida Chapter, are encouraged to
406 recommend a list of candidates for consideration.

407 (e) One member from fire protection engineering or
408 technology who is actively engaged in the profession. The

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409 Florida Chapter of the Society of Fire Protection Engineers and
410 the Florida Fire Marshals and Inspectors Association are
411 encouraged to recommend a list of candidates for consideration.

412 (f) One general contractor certified to do business in
413 this state and actively engaged in the profession. The
414 Associated Builders and Contractors of Florida, the Florida
415 Associated General Contractors Council, and the Union
416 Contractors Association are encouraged to recommend a list of
417 candidates for consideration.

418 (g) One plumbing contractor licensed to do business in
419 this state and actively engaged in the profession. The Florida
420 Association of Plumbing, Heating, and Cooling Contractors is
421 encouraged to recommend a list of candidates for consideration.

422 (h) One roofing or sheet metal contractor certified to do
423 business in this state and actively engaged in the profession.
424 The Florida Roofing, Sheet Metal, and Air Conditioning
425 Contractors Association and the Sheet Metal and Air Conditioning
426 Contractors National Association are encouraged to recommend a
427 list of candidates for consideration.

428 (i) One residential contractor licensed to do business in
429 this state and actively engaged in the profession. The Florida
430 Home Builders Association is encouraged to recommend a list of
431 candidates for consideration.

432 (j) Three members who are municipal or district codes
433 enforcement officials, one of whom is also a fire official. The
434 Building Officials Association of Florida and the Florida Fire
435 Marshals and Inspectors Association are encouraged to recommend
436 a list of candidates for consideration.

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437 (k) One member who represents the Department of Financial
438 Services.

439 (l) One member who is a county codes enforcement official.
440 The Building Officials Association of Florida is encouraged to
441 recommend a list of candidates for consideration.

442 (m) One member of a Florida-based organization of persons
443 with disabilities or a nationally chartered organization of
444 persons with disabilities with chapters in this state.

445 (n) One member of the manufactured buildings industry who
446 is licensed to do business in this state and is actively engaged
447 in the industry. The Florida Manufactured Housing Association is
448 encouraged to recommend a list of candidates for consideration.

449 (o) One mechanical or electrical engineer registered to
450 practice in this state and actively engaged in the profession.
451 The Florida Engineering Society is encouraged to recommend a
452 list of candidates for consideration.

453 (p) One member who is a representative of a municipality
454 or a charter county. The Florida League of Cities and the
455 Florida Association of Counties are encouraged to recommend a
456 list of candidates for consideration.

457 (q) One member of the building products manufacturing
458 industry who is authorized to do business in this state and is
459 actively engaged in the industry. The Florida Building Material
460 Association, the Florida Concrete and Products Association, and
461 the Fenestration Manufacturers Association are encouraged to
462 recommend a list of candidates for consideration.

463 (r) One member who is a representative of the building
464 owners and managers industry who is actively engaged in

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465 commercial building ownership or management. The Building Owners
466 and Managers Association is encouraged to recommend a list of
467 candidates for consideration.

468 (s) One member who is a representative of the insurance
469 industry. The Florida Insurance Council is encouraged to
470 recommend a list of candidates for consideration.

471 (t) One member who is a representative of public
472 education.

473 (u) One member who is a swimming pool contractor licensed
474 to do business in this state and actively engaged in the
475 profession. The Florida Swimming Pool Association and the United
476 Pool and Spa Association are encouraged to recommend a list of
477 candidates for consideration.

478 (v) One member who is a representative of the green
479 building industry and who is a third-party commission agent, a
480 Florida board member of the United States Green Building Council
481 or Green Building Initiative, a professional who is accredited
482 under the International Green Construction Code (IGCC), or a
483 professional who is accredited under Leadership in Energy and
484 Environmental Design (LEED).

485 (w) One member who is a representative of a natural gas
486 distribution system and who is actively engaged in the
487 distribution of natural gas in this state. The Florida Natural
488 Gas Association is encouraged to recommend a list of candidates
489 for consideration.

490 (x)~~(w)~~ One member who shall be the chair.
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492 Any person serving on the commission under paragraph (c) or
493 paragraph (h) on October 1, 2003, and who has served less than
494 two full terms is eligible for reappointment to the commission
495 regardless of whether he or she meets the new qualification.

496 Section 11. Subsection (18) is added to section 553.79,
497 Florida Statutes, to read:

498 553.79 Permits; applications; issuance; inspections.-

499 (18) For the purpose of inspection and record retention,
500 site plans for a building may be maintained in the form of an
501 electronic copy at the worksite. These plans must be open to
502 inspection by the building official or a duly authorized
503 representative, as required by the Florida Building Code.

504 Section 12. Paragraph (a) of subsection (5) of section
505 553.842, Florida Statutes, is amended to read:

506 553.842 Product evaluation and approval.-

507 (5) Statewide approval of products, methods, or systems of
508 construction may be achieved by one of the following methods.
509 One of these methods must be used by the commission to approve
510 the following categories of products: panel walls, exterior
511 doors, roofing, skylights, windows, shutters, and structural
512 components as established by the commission by rule. A product
513 may not be advertised, sold, offered, provided, distributed, or
514 marketed as hurricane, windstorm, or impact protection from
515 wind-borne debris from a hurricane or windstorm unless it is
516 approved pursuant to this section or s. 553.8425. Any person who
517 advertises, sells, offers, provides, distributes, or markets a
518 product as hurricane, windstorm, or impact protection from wind-
519 borne debris without such approval is subject to the Florida

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520 Deceptive and Unfair Trade Practices Act under part II of
521 chapter 501 brought by the enforcing authority as defined in s.
522 501.203.

523 (a) Products for which the code establishes standardized
524 testing or comparative or rational analysis methods shall be
525 approved by submittal and validation of one of the following
526 reports or listings indicating that the product or method or
527 system of construction was in compliance with the Florida
528 Building Code and that the product or method or system of
529 construction is, for the purpose intended, at least equivalent
530 to that required by the Florida Building Code:

- 531 1. A certification mark or listing of an approved
532 certification agency, which may be used only for products for
533 which the code designates standardized testing;
- 534 2. A test report from an approved testing laboratory;
- 535 3. A product evaluation report based upon testing or
536 comparative or rational analysis, or a combination thereof, from
537 an approved product evaluation entity; or
- 538 4. A product evaluation report based upon testing or
539 comparative or rational analysis, or a combination thereof,
540 developed and signed and sealed by a professional engineer or
541 architect, licensed in this state.

542

543 A product evaluation report or a certification mark or listing
544 of an approved certification agency which demonstrates that the
545 product or method or system of construction complies with the
546 Florida Building Code for the purpose intended is equivalent to
547 a test report and test procedure referenced in the Florida

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548 Building Code. An application for state approval of a product
549 under subparagraph 1. or subparagraph 3. must be approved by the
550 department after the commission staff or a designee verifies
551 that the application and related documentation are complete.
552 This verification must be completed within 10 business days
553 after receipt of the application. Upon approval by the
554 department, the product shall be immediately added to the list
555 of state-approved products maintained under subsection (13).
556 Approvals by the department shall be reviewed and ratified by
557 the commission's program oversight committee except for a
558 showing of good cause that a review by the full commission is
559 necessary. The commission shall adopt rules providing means to
560 cure deficiencies identified within submittals for products
561 approved under this paragraph.

562 Section 13. Section 553.901, Florida Statutes, is amended
563 to read:

564 553.901 Purpose of thermal efficiency code.—The Department
565 of Business and Professional Regulation shall prepare a thermal
566 efficiency code to provide for a statewide uniform standard for
567 energy efficiency in the thermal design and operation of all
568 buildings statewide, consistent with energy conservation goals,
569 and to best provide for public safety, health, and general
570 welfare. The Florida Building Commission shall adopt the Florida
571 Building Code-Energy Conservation ~~Energy Efficiency Code for~~
572 ~~Building Construction within the Florida Building Code~~, and
573 shall modify, revise, update, and maintain the code to implement
574 the provisions of this thermal efficiency code and amendments
575 thereto, in accordance with the procedures of chapter 120. The

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576 department shall, at least triennially, determine the most cost-
577 effective energy-saving equipment and techniques available and
578 report its determinations to the commission, which shall update
579 the code to incorporate such equipment and techniques. The
580 proposed changes shall be made available for public review and
581 comment no later than 6 months before ~~prior to~~ code
582 implementation. The term "cost-effective," as used in ~~for the~~
583 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-
584 effective to the consumer.

585 Section 14. Section 553.902, Florida Statutes, is
586 reordered and amended to read:

587 553.902 Definitions.—As used in ~~For the purposes of~~ this
588 part, the term:

589 (2) ~~(1)~~ "Exempted building" means:

590 (a) A ~~Any~~ building or portion thereof whose peak design
591 rate of energy usage for all purposes is less than 1 watt (3.4
592 Btu per hour) per square foot of floor area for all purposes.

593 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
594 by a mechanical system designed to control or modify the indoor
595 temperature and powered by electricity or fossil fuels.

596 (c) A ~~Any~~ building for which federal mandatory standards
597 preempt state energy codes.

598 (d) A ~~Any~~ historical building as described in s.
599 267.021(3).

600

601 The Florida Building Commission may recommend to the Legislature
602 additional types of buildings which should be exempted from

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603 compliance with the Florida Building Code-Energy Conservation
604 ~~Energy Efficiency Code for Building Construction~~.

605 ~~(4)-(2)~~ "HVAC" means a system of heating, ventilating, and
606 air-conditioning.

607 ~~(6)-(3)~~ "Renovated building" means a residential or
608 nonresidential building undergoing alteration that varies or
609 changes insulation, HVAC systems, water heating systems, or
610 exterior envelope conditions, ~~if provided~~ the estimated cost of
611 renovation exceeds 30 percent of the assessed value of the
612 structure.

613 ~~(5)-(4)~~ "Local enforcement agency" means the agency of
614 local government which has the authority to make inspections of
615 buildings and to enforce the Florida Building Code. The term ~~it~~
616 includes any agency within the definition of s. 553.71(5).

617 ~~(3)-(5)~~ "Exterior envelope physical characteristics" means
618 the physical nature of those elements of a building which
619 enclose conditioned spaces through which energy may be
620 transferred to or from the exterior.

621 ~~(1)-(6)~~ "Energy performance level" means the indicator of
622 the energy-related performance of a building, including, but not
623 limited to, the levels of insulation, the amount and type of
624 glass, and the HVAC and water heating system efficiencies.

625 Section 15. Section 553.903, Florida Statutes, is amended
626 to read:

627 553.903 Applicability.—This part applies ~~shall apply~~ to
628 all new and renovated buildings in the state, except exempted
629 buildings, for which building permits are obtained after March
630 15, 1979, and to the installation or replacement of building

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631 systems and components with new products for which thermal
632 efficiency standards are set by the Florida Building Code-Energy
633 Conservation ~~Energy Efficiency Code for Building Construction~~.
634 The provisions of this part shall constitute a statewide uniform
635 code.

636 Section 16. Section 553.904, Florida Statutes, is amended
637 to read:

638 553.904 Thermal efficiency standards for new
639 nonresidential buildings.—Thermal designs and operations for new
640 nonresidential buildings for which building permits are obtained
641 after March 15, 1979, must ~~shall~~ at a minimum take into account
642 exterior envelope physical characteristics, including thermal
643 mass; HVAC, service water heating, energy distribution,
644 lighting, energy managing, and auxiliary systems design and
645 selection; and HVAC, service water heating, energy distribution,
646 lighting, energy managing, and auxiliary equipment performance,
647 and are ~~shall~~ not ~~be~~ required to meet standards more stringent
648 than the provisions of the Florida Building Code-Energy
649 Conservation ~~Energy Efficiency Code for Building Construction~~.

650 Section 17. Section 553.905, Florida Statutes, is amended
651 to read:

652 553.905 Thermal efficiency standards for new residential
653 buildings.—Thermal designs and operations for new residential
654 buildings for which building permits are obtained after March
655 15, 1979, must ~~shall~~ at a minimum take into account exterior
656 envelope physical characteristics, HVAC system selection and
657 configuration, HVAC equipment performance, and service water
658 heating design and equipment selection and are ~~shall~~ not ~~be~~

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659 required to meet standards more stringent than the provisions of
660 the Florida Building Code-Energy Conservation ~~Energy Efficiency~~
661 ~~Code for Building Construction~~. HVAC equipment mounted in an
662 attic or a garage ~~is shall~~ not ~~be~~ required to have supplemental
663 insulation in addition to that installed by the manufacturer.
664 All new residential buildings, except those herein exempted,
665 must ~~shall~~ have insulation in ceilings rated at R-19 or more,
666 space permitting. Thermal efficiency standards do not apply to a
667 building of less than 1,000 square feet which is not primarily
668 used as a principal residence and which is constructed and owned
669 by a natural person for hunting or similar recreational
670 purposes; however, ~~no~~ such person may not build more than one
671 exempt building in any 12-month period.

672 Section 18. Section 553.906, Florida Statutes, is amended
673 to read:

674 553.906 Thermal efficiency standards for renovated
675 buildings.—Thermal designs and operations for renovated
676 buildings for which building permits are obtained after March
677 15, 1979, must ~~shall~~ take into account insulation; windows;
678 infiltration; and HVAC, service water heating, energy
679 distribution, lighting, energy managing, and auxiliary systems
680 design and equipment selection and performance. Such buildings
681 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
682 the provisions of the Florida Building Code-Energy Conservation
683 ~~Energy Efficiency Code for Building Construction~~. These
684 standards apply only to those portions of the structure which
685 are actually renovated.

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686 Section 19. Section 553.912, Florida Statutes, is amended
687 to read:

688 553.912 Air conditioners.—All air conditioners that are
689 sold or installed in the state must ~~shall~~ meet the minimum
690 efficiency ratings of the Florida Energy Efficiency Code for
691 Building Construction. These efficiency ratings must ~~shall~~ be
692 minimums and may be updated in the Florida Building Code-Energy
693 Conservation ~~Energy Efficiency Code for Building Construction~~ by
694 the department in accordance with s. 553.901, following its
695 determination that more cost-effective energy-saving equipment
696 and techniques are available. It is the intent of the
697 Legislature that all replacement air-conditioning systems be
698 installed using energy-saving, quality installation procedures,
699 including, but not limited to, equipment sizing analysis and
700 duct inspection. Notwithstanding this section, existing heating
701 and cooling equipment in residential applications need not meet
702 the minimum equipment efficiencies, except to preserve the
703 original approval or listing of the equipment.

704 Section 20. Section 553.991, Florida Statutes, is amended
705 to read:

706 553.991 Purpose.—The purpose of this part is to provide
707 for a statewide oversight of ~~uniform system for~~ rating systems
708 for the energy efficiency of buildings. It is in the interest of
709 the state to encourage energy efficiency ~~the consideration of~~
710 ~~the energy efficiency rating system~~ in the market so as to
711 provide market rewards for energy-efficient buildings and to
712 those persons or companies designing, building, or selling
713 energy-efficient buildings.

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714 Section 21. Section 553.992, Florida Statutes, is amended
715 to read:

716 553.992 Adoption of rating system criteria.—The Department
717 of Business and Professional Regulation shall adopt, update, ~~and~~
718 maintain, and administer a statewide criteria for a uniform
719 building energy-efficiency rating system to implement the
720 provisions of this part and amendments thereto in accordance
721 with the procedures of chapter 120 and shall, upon the request
722 of any builder, designer, rater, or owner of a building, issue
723 nonbinding interpretations, clarifications, and opinions
724 concerning the application and use of the building energy-
725 efficiency ~~energy~~ rating system under rules that the department
726 adopts in accordance with chapter 120. Department rules must
727 prohibit a sole provider from conducting functions relating to
728 the building energy-efficiency rating system, including energy
729 rating, energy testing, certification of energy raters, and
730 training.

731 Section 22. Section 553.993, Florida Statutes, is amended
732 to read:

733 553.993 Definitions.—For purposes of this part:

734 (1) "Acquisition" means to gain the sole or partial use of
735 a building through a purchase agreement.

736 (2) "Builder" means the primary contractor who possesses
737 the requisite skill, knowledge, and experience, and has the
738 responsibility, to supervise, direct, manage, and control the
739 contracting activities of the business organization with which
740 she or he is connected and who has the responsibility to
741 supervise, direct, manage, and control the construction work on

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742 a job for which she or he has obtained the building permit.

743 Construction work includes, but is not limited to, foundation,
744 framing, wiring, plumbing, and finishing work.

745 (3) "Building energy-efficiency rating system" means a
746 whole building energy evaluation system established by the
747 Residential Energy Services Network, the Commercial Energy
748 Services Network, the Building Performance Institute, the
749 Florida Solar Energy Center, or a nationally recognized rating
750 system approved by the department.

751 (4)-(3) "Designer" means the architect, engineer, landscape
752 architect, builder, interior designer, or other person who
753 performs the actual design work or under whose direct
754 supervision and responsible charge the construction documents
755 are prepared.

756 (5) "Energy auditor" means a trained and certified
757 professional who conducts energy evaluations of an existing
758 building and uses tools to identify the building's current
759 energy usage and the condition of the building and equipment.

760 (6) "Energy-efficiency rating" means an unbiased
761 indication of a building's relative energy efficiency based on
762 consistent inspection procedures, operating assumptions, climate
763 data, and calculation methods.

764 (7) "Energy rater" means an individual certified by this
765 state to perform building energy-efficiency ratings for the
766 building type and in the rating class for which the rater is
767 certified.

768 (8)-(4) "New building" means commercial occupancy buildings
769 permitted for construction after January 1, 1995, and

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770 residential occupancy buildings permitted for construction after
771 January 1, 1994.

772 ~~(9)-(5)~~ "Public building" means a building comfort-
773 conditioned for occupancy that is owned or leased by the state,
774 a state agency, or a governmental subdivision, including, but
775 not limited to, a city, county, or school district.

776 Section 23. Section 553.995, Florida Statutes, is amended
777 to read:

778 553.995 Energy-efficiency ratings for buildings.—

779 (1) The building energy-efficiency rating system must
780 ~~shall~~ at a minimum:

781 ~~(a) Provide a uniform rating scale of the efficiency of~~
782 ~~buildings based on annual energy usage.~~

783 ~~(a)-(b)~~ Take into account local climate conditions,
784 construction practices, and building use.

785 ~~(b)-(e)~~ Be compatible with standard federal rating systems
786 and state building codes and standards, where applicable, and
787 shall satisfy the requirements of s. 553.9085 with respect to
788 residential buildings and s. 255.256 with respect to state
789 buildings.

790 (2) Building ~~The~~ energy-efficiency rating systems ~~system~~
791 adopted by the department must ~~shall~~ provide a means of
792 analyzing ~~and comparing~~ the relative energy efficiency of
793 buildings upon the sale of new or existing residential, public,
794 or commercial buildings.

795 (3) The department shall establish a voluntary working
796 group of persons interested in the building energy-efficiency
797 rating system or energy efficiency, including, but not limited

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798 to, such persons as electrical engineers, mechanical engineers,
799 architects, public utilities, energy raters, and builders. The
800 interest group shall advise the department in the adoption,
801 administration, and oversight development of the building
802 energy-efficiency rating system ~~and shall assist the department~~
803 ~~in the implementation of the rating system by coordinating~~
804 ~~educational programs for designers, builders, businesses, and~~
805 ~~other interested persons to assist compliance and to facilitate~~
806 ~~incorporation of the rating system into existing practices.~~

807 (4) The department shall approve ~~develop~~ a training and
808 certification program to certify raters. In addition to the
809 department, ratings may be conducted by any local government or
810 private entity if, ~~provided that~~ the appropriate persons have
811 completed the necessary training and have been certified by the
812 department. The Department of Management Services shall rate
813 state-owned or state-leased buildings if, ~~provided that~~ the
814 appropriate persons have completed the necessary training and
815 have been certified by the Department of Business and
816 Professional Regulation. A state agency that ~~which~~ has building
817 construction regulation authority may rate its own buildings and
818 those it is responsible for, ~~if~~ the appropriate persons have
819 completed the necessary training and have been certified by the
820 Department of Business and Professional Regulation. The
821 Department of Business and Professional Regulation may charge a
822 fee not to exceed the costs for the training and certification
823 of raters. The department shall by rule set the appropriate
824 charges for raters to charge for energy ratings, not to exceed
825 the actual costs.

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826 Section 24. This act shall take effect July 1, 2013.

827

828

829 -----
T I T L E A M E N D M E N T

830 Remove everything before the enacting clause and insert:

831 A bill to be entitled

832 An act relating to building construction; amending s.
833 162.12, F.S.; revising notice requirements in the
834 Local Government Code Enforcement Boards Act; amending
835 s. 381.0065, F.S.; specifying that certain actions
836 relating to onsite sewage treatment and removal are
837 not required if a bedroom is not added during a
838 remodeling addition or modification to a single-family
839 home; prohibiting a remodeling addition or
840 modification from certain coverage or encroachment;
841 authorizing a local health board to review specific
842 plans; requiring a review to be completed within a
843 specific time period after receipt of specific plans;
844 amending s. 489.103, F.S.; creating an exemption from
845 licensure as a contractor for certain nonpaid
846 individuals who assist on a homeowners property
847 improvement project; amending s. 489.105, F.S.;
848 revising the definition of the term "demolish" for
849 purposes of describing an exemption from the scope of
850 work of a contractor; amending the definition of
851 plumbing contractor; amending s. 489.127, F.S.;
852 revising civil penalties; authorizing a local building
853 department to retain 75 percent of certain fines

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854 collected if it transmits 25 percent to the Department
855 of Business and Professional Regulation; amending s.
856 489.131, F.S.; deleting legislative intent referring
857 to a local agency's enforcement of regulatory laws;
858 deleting the definitions of "minor violation" and
859 "notice of noncompliance"; deleting provisions that
860 provide for what a notice of noncompliance should or
861 should not include; deleting a provision that provides
862 for further disciplinary proceedings for certain
863 licensees; amending s. 489.514, F.S.; extending the
864 date by which an applicant must make application for a
865 license to be grandfathered; amending s. 489.531,
866 F.S.; revising a maximum civil penalty; amending s.
867 553.73, F.S.; prohibiting any provision of the
868 International Residential Code relating to mandated
869 fire sprinklers from incorporation into the Florida
870 Building Code; amending s. 553.74, F.S.; revising
871 membership of the Florida Building Commission;
872 amending s. 553.79, F.S.; authorizing a site plan to
873 be maintained at the worksite as an electronic copy;
874 requiring the copy to be open to inspection by certain
875 officials; amending s. 553.842, F.S.; requiring an
876 application for state approval of a certain product to
877 be approved by the department after the application
878 and related documentation are complete; amending ss.
879 553.901, 553.902, 553.903, 553.904, 553.905, and
880 553.906, F.S.; requiring the Florida Building
881 Commission to adopt the Florida Building Code-Energy

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882 Conservation; conforming subsequent sections of the
883 thermal efficiency code; amending s. 553.912, F.S.;
884 providing that certain existing heating and cooling
885 equipment is not required to meet the minimum
886 equipment efficiencies; amending s. 553.991, F.S.;
887 revising the purpose of the Florida Building Energy-
888 Efficiency Rating Act; amending s. 553.992, F.S.;
889 requiring the department to administer statewide
890 criteria for building energy-efficiency rating
891 systems; requiring department rules to prohibit a sole
892 provider from conducting functions relating to the
893 building energy-efficiency rating system; amending s.
894 553.993, F.S.; providing definitions; amending s.
895 553.995, F.S.; deleting a minimum requirement for the
896 building energy-efficiency rating system; revising
897 language; requiring the interest group to advise the
898 department in the adoption and administration of the
899 system; deleting a provision that requires the
900 interest group to assist in the implementation of the
901 system by performing certain acts; requiring the
902 department to approve, rather than develop, a training
903 and certification program to certify raters; providing
904 an effective date.